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UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Inventors: Guy Eden)
Serial No.: 09/859,660) ATTORNEY FILE NO.
Filed: May 16, 2001) SLA1014
Title: SYSTEM AND METHOD FOR) Customer No.: 55,286
DISCOVERING NETWORK) Examiner: Ramsey Refai
COMPONENTS) Confirmation No.: 3934
Art Unit: 2152

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on, or before this date 3/7/2007, in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3/6/2007

Date

Signature

Mail Stop Petitions
Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE AN UNAVOIDABLY
ABANDONED APPLICATION UNDER 37 CFR 1.137(a)**

This paper is responsive to a communication mailed on February 15, 2007. The communication stated that an Appeal Brief filed for the above-mentioned application was dismissed for failing to comply with 37 CFR 41.37(c). The communication also stated that because of the dismissal of the appeal, the application was considered abandoned.

Remarks are presented on page 2 of this paper.

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Enclosed as Attachment A is a copy of a revised Appeal Brief, up to the Summary Section ending on page 4, received at the PTO on October 10, 2006.

Enclosed as Attachment B is a (new) second-revision of the Appeal Brief.

Enclosed is a PTO-2038 form to cover the fee for filing this petition, in accordance with 1.17(l).

REMARKS

A Final Office Action was mailed on March 31, 2006, rejecting claims 1-6, 8-16, 18-20, 23-24, and 26 in the above-identified application. In response, the Applicant filed an Appeal Brief, which was mailed on July 3, 2006.

A Notification of Non-Compliant Appeal Brief was mailed on September 28, 2006. The Notice indicated that the Appeal Brief did not contain a concise explanation of subject matter for each of the independent claims, as required under 37 CFR 41.37 (c)(1)(v). In response, the Applicant filed a revised Appeal Brief, which was mailed on October 24, 2006.

As required by 37 CFR 41.37(c)(1)(v), the revised Appeal Brief makes at least a good faith effort to concisely explain the subject matter of independent claims 1, 13, and 15, correlating the various claims elements to relevant portions of the specification and drawings. As can be seen in the Appeal Brief (Attachment A) beginning at the second paragraph of page 3, claim 1 is described, with citations made to page 15,

line 9, through page 16, line 12, of the specification, referencing step numbers from Fig. 13.

Claim 13 is described in the first full paragraph on page 4 of the Appeal Brief, with citations made to page 17, ln. 24, through page 18, line 9, of the specification, referencing steps numbers from Fig. 14. Claim 15 is described in the second full paragraph on page 4 of the Appeal Brief, with citations to page 7, ln. 7, through page 8, line 2, of the specification, using the reference designators shown in Fig. 3.

A communication was mailed from the PTO on October 17, 2004 stated that the revised Appeal Brief was rejected under 37 CFR 41.37(c)(1)(v).

In a communication received at the PTO on October 30, 2006, the Applicant noted that the revised Appeal Brief was fully compliant with 37 CFR 41.37(c)(1)(v).

A communication was mailed from the PTO on February 15, 2007, stating that the Appeal Brief was dismissed for failure to comply with 37 CFR 37 CFR 41.37(c).

As noted above, the revised Appeal Brief is a good-faith attempt to meet the requirements of 37 CFR 41.37(c)(1)(v). Since there appears to be no valid reason for the dismissal of the Applicant's Appeal Brief, the Applicant has filed this petition. The Applicant requests that the application be revived since it has been unavoidably abandoned. In accordance with 37 CFR 1.137(a)(1), this communication includes a copy

of the revised Appeal Brief, responsive to the Notice of Non-Compliant Appeal Brief mailed on September 28, 2006. In accordance with 37 CFR 1.137(a)(2), a fee under 1.17(l) is enclosed. In accordance with 37 CFR 1.137(a)(3), this paper explains that the abandonment of the application was unavoidable, as the Applicant submitted a fully compliant Brief. Further, in an effort to resolve the issue, the Applicant is submitting a second revision of the Appeal Brief, which again amends the "Summary" section in another attempt to comply with 37 CFR 41.37(c).

Respectfully submitted,

Date: 3/6/2007


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